

Nos. 24-1522, 24-1624, 24-1626, 24-1627,  
24-1628, 24-1631, 24-1634, 24-1685, 24-2173

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

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STATE OF IOWA, ET AL.,

*Petitioners,*

v.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

*Respondent,*

DISTRICT OF COLUMBIA, ET AL.,

*Intervenors.*

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On Petitions for Review of an Order and Rule of the Securities and  
Exchange Commission

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**UNOPPOSED MOTION BY CARBON OFFSET EXPERTS  
FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE* IN  
SUPPORT OF RESPONDENT**

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August 15, 2024

*Attorneys for Carbon Offset Experts*

## MOTION FOR LEAVE

Pursuant to Federal Rule of Appellate Procedure 29(a)(3), Dr. Barbara Haya, David Wooley, Kathy Fallon, Dr. Rebecca Sanders-DeMott, Dr. William Anderegg, and Dr. Wayne S. Walker, collectively “carbon offset experts,” respectfully seek leave to file the accompanying brief as *amici curiae* in support of respondent U.S. Securities and Exchange Commission.

Counsel for carbon offset experts sought all parties’ positions on this filing. All parties consented to this filing except petitioner Texas Alliance of Energy Producers & Domestic Energy Producers Alliance who indicated they do not oppose the filing.

Carbon offset experts are scholars and policy experts with knowledge and experience relevant to the certification and use of carbon offsets for emissions avoidance, reduction, or removal, and as market-based mechanisms.

Dr. Barbara Haya directs the Berkeley Carbon Trading Project at the University of California, Berkeley’s Center for Environmental Public Policy. The Berkeley Carbon Trading Project studies corporate climate commitments and the effectiveness of carbon trading and offset programs.

David Wooley is the Executive Director of the University of California, Berkeley’s Center for Environmental Public Policy. Mr. Wooley manages research on climate risk disclosure and mitigation practices in the municipal bond market.

In 2022, Mr. Wooley authored comments to the Municipal Securities Rulemaking Board regarding climate risk disclosure practices and methods by which bond issuers can post information for investors regarding bond issuer climate risk, adaptation and mitigation practices.

Kathy Fallon directs the Land Systems program at Clean Air Task Force and has long been a national leader in clean energy, conservation, and environmental health. Among other roles, Ms. Fallon previously served as a Senior Advisor at the Harvard T.H. Chan School of Public Health's Center for Climate, Health, and Global Environment and as founder and Director of the Science Policy Exchange at the Harvard Forest.

Dr. Rebecca Sanders-DeMott is Director of Ecosystem Carbon Science at Clean Air Task Force. Dr. Sanders-DeMott is an ecosystem ecologist specializing in methodologies related to verification and quantification of nature-based climate solutions. She is the lead author of a forthcoming peer-reviewed journal article assessing forest carbon credit protocols.

Dr. William Anderegg is the Director of the Wilkes Center for Climate Science and Policy and a professor at the University of Utah. Dr. Anderegg's research focuses on forests as natural climate solutions.

Dr. Wayne S. Walker serves as the Chief Scientific Officer at the Woodwell Climate Research Center and is an ecologist and remote sensing expert whose

research focuses on forest carbon stocks, climate risk assessment, and the effects of climate change on global economies.

Movants have collectively published multiple peer-reviewed papers and scientific reports addressing issues relevant to carbon offsets. Many also commented, either individually or in association with their institutions, on the proposal for the Rule.<sup>1</sup>

The Securities and Exchange Commission’s (“SEC” or “the Commission”) rule on *The Enhancement and Standardization of Climate-Related Disclosures for Investors*, 89 Fed. Reg. 21668 (“the Rule”) at issue in this case requires, in certain circumstances, disclosure of carbon offsets used by public companies. Movants’ participation as *amici* would allow them to provide their expertise on technical issues regarding carbon offsets that are relevant to the Court’s disposition of this case.

For the foregoing reasons, carbon offset experts respectfully request that

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<sup>1</sup> See Barbara Haya, Comments re: Offset Disclosure Provisions under Proposed Rule on the Enhancement and Standardization of Climate-Related Disclosures for Investors [File No. S7-10-22] (June 17, 2022) (“Haya Comment”), <https://www.sec.gov/comments/s7-10-22/s71022-20132341-302906.pdf>; Clean Air Task Force, Comments re: “The Enhancement and Standardization of Climate-Related Disclosures for Investors,” (June 17, 2022) (“CATF Comment”), <https://www.sec.gov/comments/s7-10-22/s71022-20132250-302691.pdf>; Woodwell Climate Research Center, Comments re: The Enhancement and Standardization of Climate-Related Disclosures for Investors File No. S7-10-22 (June 17, 2022), <https://www.sec.gov/comments/s7-10-22/s71022-20131938-302390.pdf>.

their motion for leave to file a brief as *amici curiae* be granted.

Respectfully submitted,

/s/ Mary Y. Sasso

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Dated: August 15, 2024

## **CERTIFICATE OF COMPLIANCE**

This brief complies with the type-volume limit of Federal Rule of Appellate Procedure 29(d)(2). The motion contains 620 words. This motion also complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 32(a)(5)-(6) because it was prepared using Microsoft Word in Times New Roman 14-point font.

/s/ Mary Y. Sasso  
Mary Y. Sasso

Dated: August 15, 2024

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 15, 2024, I electronically filed the above Unopposed Motion by Carbon Offset Experts for Leave to File Brief as Amici Curiae in Support of Respondent with the Clerk of the Court by using the appellate CM/ECF system. I further certify that service will be accomplished by the appellate CM/ECF system.

/s/ Mary Y. Sasso  
Mary Y. Sasso

Dated: August 15, 2024